EXCEPTIONS To Rules and Regulations

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TCEQ/OPRR/WSD/PDW



Exceptions and Alternative Capacity Requirements (ACR)

30 TAC §290.39(l) and §290.45(g)

- Apply only to Subchapter D
 - Requests are normally reviewed by the Technical Review & Oversight Team with applicable PDW & Region staff
 - Sometimes jointly reviewed by PDW staff and Utilities Technical Review when submitted with engineering plans

Variances and Exemptions

30 TAC §290.102(b)

- Apply only to specific requirements in 30 TAC Chapter 290 Subchapter F
- Requests are reviewed by the Drinking Water Quality Team



Exceptions & ACR

Are to be submitted to:

Technical Review & Oversight Team
Public Drinking Water Section - MC155
P.O. Box 13087
Austin, Texas 78711-3087

Marlo Wanielista Berg, P.E., Team Leader

Request for an Exception

30 TAC §290.39(l)

- For one or more of these sections shall be considered on an individual basis
- Any water system must demonstrate to the satisfaction of the E.D. that the exception
 - will not compromise the public health or
 - result in a degradation of service or water quality.

Request For an Exception

30 TAC §290.39(l)(1)

- Must be in writing
- Must be substantiated by carefully documented data
- Must precede the submission of engineering plans and specifications for a proposed project for which an exception is being submitted.

Exceptions

30 TAC §290.39(l)(2)

Any exception granted by the commission is subject to revocation.



Remember:

30 TAC §290.39(l)(3)

- Any request for an exception which is not approved by the commission in writing is denied.
- Not all exceptions received and reviewed are granted!!!!!
 - Note: This statement does not apply to ACR submitted by a licensed professional engineer [290.45(g)(3)].

Alternative Capacity Requirements (ACR)

30 TAC §290.45(g)

- PWSs may request approval to meet ACR in lieu of the minimum capacity requirements specified in this section.
- Any PWS requesting to use an ACR must demonstrate to the satisfaction of the E.D. that approving the request will not:
 - compromise the public health
 - result in a degradation of service or water quality as specified in 30 TAC §290.39(1)



Alternative Capacity Requirements (ACR)

30 TAC §290.45(g)

- ACR are not available for:
 - Groundwater PWS serving < 50 connections without total storage; or
 - Noncommunity PWS



Alternative Capacity Requirements (ACR)

30 TAC §290.45(g)

- §290.45(g)(1) -Required data for ACR request
- §290.45(g)(2) -Required TCEQ calculation method for ACR request
- §290.45(g)(3) -Additional required data for engineer submitted ACR request
- §290.45(g)(4) -Required TCEQ review criteria for engineer submitted ACR request
- §290.45(g)(5) -Request for ACR for EST
- §290.45(g)(6) -Revocation or Revision of granted ACR

ACR Requests Must Include:

30 TAC §290.45(g)(1)(B)

 Records kept by the water system that document the daily production of the system. The applicant may not use a calculated peak daily demand.



Meter Readings

- on weekdays, but do not read on weekends resulting in two days of averaged flow being entered
- Meter only read every two or three days resulting in two to four days of averaged flow being entered.
- Once a week < 250 connections</p>
- Once a month only for purchased water

ACR > 0.6/200/100/20/2.0

- §290.45(a)(1) Requirements contained in this section are minimum capacity requirements only.
- §290.45(a)(2) Additional supply, total storage, service pumps & PT/ES capacities can be required.
- §290.45(a)(3) If it is determined that greater minimum capacity requirements are required, they are to be established by using the calculation method in §290.45(g)(2).

PDW Program Staff Guidances

http://www.tnrcc.state.tx.us/permitting/waterperm/pdw/guidance.html

- Definitions
- Wells
- Treatment
- Storage and Pressure Maintenance
- Capacities
- Monitoring and Reporting
- Exceptions and Pilot Studies
- Drinking Water Quality
- Miscellaneous



Questions?



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